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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,911	01/10/2001	Luke Surazski	13522/43 (99688)	9288
757 7590 03/31/2009 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER WONG, BLANCHE				
ART UNIT 2419		PAPER NUMBER		
MAIL DATE 03/31/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/758,911

Applicant(s)

SURAZSKI ET AL.

Examiner

Blanche Wong

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10-15, 23, 34-36, 38, 39, 45, 56-61 and 88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23, 34-36, 38, 39, 45 and 56-61 is/are allowed.
- 6) ☒ Claim(s) 1, 10-14 and 88 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date Jan15/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 15, 2009 have been fully considered but they are not persuasive.

Amending claim 1 with the language "using group scheduling software to determine an appointment schedule of the part to be called and modifying the one or more connection options based on the appointment schedule of the party to be called" does not place the claims in condition for allowance. First, the amendment introduces a 112,1st enablement issue. Original Specification dated January 10, 2001 discloses "It is also contemplated that group scheduling software standard in the art may be used to modify the connection options" Amended Specification dated August 25, 2008 discloses a group scheduling software that 'may be used to modify' the connection options" Both disclosures contain nebulous wording e.g. "It is ... contemplated" and "may be used" and do not provide substantive information e.g. who or what is using the group scheduling software to modify the connection options [that are displayed on the first web page]. Secondly, the amendment, rather than overcoming art rejection, deletes from claim 1 "interacting through the first web page with a second web page displayed to the party to be called, wherein the first web page includes the one or more connection options" and makes this limitation into new claim 88.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1,10,12-15,88** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With regard to claim 1, original Specification dated January 10, 2001 discloses "It is also contemplated that group scheduling software standard in the art may be used to modify the connection options" Amended Specification dated August 25, 2008 discloses a group scheduling software that 'may be used to modify' the connection options Both disclosures contain nebulous wording e.g. "It is ... contemplated" and "may be used" and do not provide substantive information e.g. who or what is using the group scheduling software to modify the connection options [that are displayed on the first web page].

Claims 10,12-15,88 are rejected because they depend from rejected claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1,10,13,14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund (U.S. Pat No. 6,658,100) in view of Myers et al. (U.S. Pat No. 6,868,140) and Grady et al. (U.S. Pat No. 5,712,906).

With regard to claim 1, Lund discloses
requesting information about a party to be called from a protocol server ("**a call is placed to the called party CPE**", **col. 3, line 22**);
receiving a Universal Resource Locator (URL) in response to the request ("**the originating CPE 106 receives the URL**", **col. 3, line 46**) from the protocol server (**database 44**) ("**querying a database 44 to retrieve the called party's URL**", **col. 3, lines 23-24**) (**See A/so Internet server database 52, col. 3, line 49**); and displaying to the caller one option includes accessing a first web page at the URL ("**displaying the web page corresponding to that URL to the originating CPE 106**", **col. 3, lines 27-28**).

However, Lund fails to explicitly show using group scheduling software to determine an appointment schedule of the party to be called and modifying the one or more options based on the appointment schedule of the party to be called.

In an analogous art of using a subscriber device, Grady discloses one or more connections options (**a menu of connection options, col. 14, line 5**). Official notice is taken that group scheduling software that can determine an appointment schedule of an individual of the group and display/share an individual's schedule to the rest of the group is well-known.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include one or more connections options as taught in Grady and displaying/sharing schedules with the group, with Lund, in order to provide for synchronization among group members.

With regard to claim 10, Lund further discloses access the first web page through the protocol server **(database 44) ("querying a database 44 to retrieve the called party's URL", col. 3, lines23-24) (See A/so Internet server database 52, col. 3, line 49).**

With regard to claim 13, Lund further discloses the one or more connection options are also modified based one an identity of the caller ("**based on the number dialed", col. 3, line 24).**

With regard to claim 14, Lund further discloses the one or more connection options correspond to a phone number of the party to be called **based on the number dialed", col. 3, line 24).**

6. **Claim 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund and Grady as applied to claim 1 above, and further in view of Nuutinen (U.S. Pat No. 6865681).

With regard to claim 12, the combination of Lund and Grady discloses the method of claim 1. However, the combination fails to explicitly show one or more options are encoded using Session Initiation Protocol.

Nuutinen discloses one or more options are encoded using Session Initiation Protocol **(a secured VoIP implemented with SIP, col. 2, line 17)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include one or more options are encoded using Session Initiation Protocol as taught in Nuutinen, with Lund and Grady, in order to provide for a security VoIP.

7. **Claim 88** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lund and Grady as applied to claim 1 above, and further in view of Myers et al. (U.S. Pat No. 6,868,140).

With regard to claim 88, the combination of Lund and Grady discloses the method of claim 1. However, the combination fails to explicitly show interacting through the first web page with a second web page to the party to be called.

In an analogous art of a person placing a call, Myers discloses interacting through a first web page with a second web page **(hierarchical menus, col. 7, line 11)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include interacting through a first web page with a second web page as taught in Myers to provide for more possibilities using nested web pages.

Allowable Subject Matter

8. **Claims 23,34-36,38,39,45,56-61** are allowed.
9. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 23 and 45, the prior art of record fails to anticipate or make obvious a device and a computer readable medium encoded with computer executable instructions that can "... receive a second request issued to the Universal Resource Locator; determine a location of the party to be called from a presence server; modify one or more connection options based on the location of the party to be called; generate a web page, wherein the web page includes the one or more connection options; and return the web page in response to the second request."

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/
Examiner, Art Unit 2419
March 18, 2009

/Ronald Abelson/
Primary Examiner, Art Unit 2419